IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.2135 OF 2006
IN
FIRST APPEAL NO.1800 OF 2006

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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CORAM: A.S.OKA, J.
DATED: AUGUST 2, 2006.

P.C.:

1. Heard Advocates for the parties. It is not in dispute that on the basis of the impugned decree, conveyance is already executed. It is also not in dispute that the amount directed to be deposited by the Respondent Nos.1 and 2 has been deposited in the Trial Court. It is also not in dispute that the present Applicants are in possession.

2. In view of this position, Civil application is disposed of by passing the following order :

i) Till the final disposal of the Appeal, decree for possession shall not be executed subject to the condition of the

Applicants filing an undertaking within a period of three weeks from today stating therein that the Applicants will not create any third party interests in respect of the suit property and the Applicants will not part with possession of the suit property.

ii) The sum of Rs.4,00,000/- deposited by the original Plaintiffs in the Trial Court will be invested by the Trial Court in fixed deposit in any nationalised bank initially for a period of five years and the fixed deposit shall be renewed on yearly basis till the final disposal of the Appeal. The original Plaintiffs will be permitted to withdraw the interest accrued on the fixed deposit subject to final outcome of the Appeal. The fixed deposit shall be made in such a manner that the interest will be payable half yearly.

. There will be no order as to costs.

Judge.